

Remarks

The Applicant has canceled the non-elected claims subject to its right to file a divisional application claiming the subject matter of the claims.

The Examiner objected to the drawings contending that a spacer with a plurality of cavities is not shown in the drawings. The Applicant respectfully traverses the objection noting Figs. 32-38 show this claimed feature. This feature has also been removed from the application based on the cancellation of the non-elected claims.

The Examiner objected to the language of claim 9 stating that it is not clear what the Applicant refers to as the accommodating elements. The Applicant contends the term is clear from its definition in the specification. An accommodating element is a feature of the muntin bar element that accommodates changes in the height of the muntin bar element. Numerous examples of such accommodating elements are described in the specification. Exemplary accommodating elements are recited in claims 10-12.

The Examiner rejected claims 1-3 and 7-10 as being anticipated by Baier. The Applicant respectfully traverses the rejection. Claim 1 requires the body of the muntin bar element to define an insulating cavity. Baier does not define an insulating cavity. The Examiner cites an open recess disposed between the two Baier legs as meeting this recitation. The Applicant respectfully traverses the Examiner's application of the Baier recess. The Baier recess does not provide and insulating function as required by claim 1. In addition, the Applicant has amended claim 1 to require that the insulating cavity is surrounded by the body of the muntin element. The Baier recess is entirely open on one side. Nothing in Baier discloses, teaches, or suggests the structure of claim 1.

The Examiner rejected claims 4-6 as being obvious in view of the combination of Baier and Armstrong. The Applicant respectfully traverses the rejection. The combination of Armstrong's teachings with Baier does not disclose the invention recited in claim 1 wherein the cross sectional relationships between the cavity and body material are recited.

The Examiner rejected claims 1, 9, 11-13, 14-21, and 29 as being anticipated by Peterson. The Applicant respectfully traverses the rejections. The claims are drawn to a muntin element. Peterson does not disclose a muntin element. The Examiner has not explained how the Peterson spacer is relevant or analogous to the claimed muntin bar element.

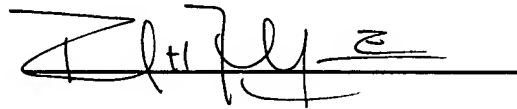
With respect to independent claims 1 and 29, Peterson fails to disclose the claimed insulating cavity. The Peterson device is filled with a mass of desiccant material (42). With respect to claim 1, Peterson also fails to disclose the recited cross sectional relationship between the cavity and material of the body. The claim has been amended to clarify the relationship as described in Applicant's specification at page 11, first full paragraph. The Peterson spacer does not meet this limitation. With respect to claim 29, Peterson does not disclose the recited relationship between the width of the base wall and the height of the body. Claims 1-13 and 29 are thus patentable over the Peterson reference.

With respect to claims 14-21, Peterson is not related to the claimed muntin bar element. Claim 14 requires the body to include an accommodating element that permits the height of the body to adjust. The height (as defined in claim 14) is the distance of the body between the base walls that are attached to the opposed glass sheets. The height of the Peterson device is not adjustable. The corrugations of the Peterson device limit heat transfer between the glass sheets but do not allow the Peterson device to stretch and collapsed to accommodate glass movement. The Applicant again notes that Peterson disclosed a spacer that must structurally supports the perimeters of the glass sheets. To this end, the Peterson spacer is formed from high strength materials such as aluminum alloys or steel as described in paragraph 0036 of the Peterson publication. The accommodating elements of the claimed muntin bar element allow the muntin bar element to expand and contract like an accordion – a result not desired by a structural perimeter spacer. Peterson thus does not disclose or teach the recited accommodating element. The Applicant thus submits that claims 14-21 are patentable over Peterson.

The Applicant has added new claims 31-39 and respectfully requests the claims to be examined.

In view of the foregoing, the Applicant respectfully requests reconsideration of the claims and most earnestly solicits the issuance of a formal Notice of Allowance for the claims.

Please call the undersigned attorney if any issues remain after this amendment.



Fred H. Zollinger III
Registration No. 39,438
Zollinger & Burleson Ltd.
P.O. Box 2368
North Canton, OH 44720

Phone: 330-526-0104
Fax: 1-866-311-9964

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I hereby certify that this correspondence (Amendment A in application serial no. 10/613,256 filed 07-03-2003) is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on November 2, 2004.



Fred H. Zollinger III, Reg. No. 39,438